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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,428	12/22/2000	Neelam N. Vaidya	0007056-0174/P5701NP/ARG/	1488

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EXAMINER

AL HASHEMI, SANA A

ART UNIT PAPER NUMBER

2171

DATE MAILED: 08/07/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/747,428

Applicant(s)

VAIDYA ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,9,14,19 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10-13,15-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**Claims Status:** 1 -24, are rejected and

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5- 8, 10-13, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunnell (US Patent No. 6,119,122).

1. Regarding Claims 1, 6, 11, and 16, Bunnell discloses a method for managing a plurality of nodes in a layered hierarchically organized database stored in a server on a computer network (see Fig. 2, 30, column 6, lines 27-32, Bunnell) comprising:

accessing a subset of said nodes in response to a client request (see column 5, lines 21-27, Bunnell);

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modifying one or more state attributes associated with said nodes to control merging and updating of layers to a resulting layered hierarchical database in response to said client request (see column 6, lines 7-10, Bunnell); and

managing said nodes using said state attributes (see column 6, lines 11-16, Bunnell).

2. Regarding Claims 2, 7, 12, and 17, Bunnell discloses a method wherein said state attributes indicate that a corresponding data element is one of updated default, deleted, and added (see Fig. 3, step 55, column 9, lines 18-21, Bunnell).

3. Regarding Claims 3, 8, 13, and 18, Bunnell discloses a method wherein each one of said state attributes includes a value of one of default, replaced, modified, and deleted, indicating a last action taken on a corresponding data element (see column 7, lines 37-39, and column 9, lines 39-55, Bunnell).

4. Regarding Claims 5, 10, 15, and 20, Bunnell discloses a method wherein said nodes are organized in a Document Object Model format (see column 10, lines 64-53, Bunnell).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 9, 14, 19, and 21-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunnell, and further in view of Morgenstern (US Patent No. 5,970,490) .

Claims 4, 9, 14, 19, and 21-24, Bunnell discloses all the claimed subject matter as set forth in the rejection above, Bunnell does not explicitly disclose the method wherein each one of said state attributes comprises an extensible Markup Language (XML) format attribute. However, Morgenstern discloses the use of an extensible Markup Language (XML) (see column 45, lines 28-37, column 46, lines 1-5, Morgenstern. It would have been obvious to the ordinary skilled artisan at the time of the invention to use the XML and the motivation would be extend and eventually supersede HTML.

#### *Examiner Response*

Examiner respectfully traverses applicant's primary argument (s).

1. Referring to independent claims 1, 6, 11, and 16, applicant argues that the Bunnell does not teach or suggest the step of modifying state attributes associated with nodes in a layered hierarchically organized database. Examiner disagrees, referring to column 12, lines 29-37, Bunnell does teach the modification of attribute and values.
2. Applicant argues that Bunnell does not disclose "an update made at one replica does not appear instantaneously at other replicas". Examiner response. Applicant did not claim the update made at one replica appears instantaneously at other replicas in the independent claims. Thus applicant can not argue this feature.

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*Points of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-9098. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

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July 24, 2003

  
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